

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VLADIMIR PODOBAYEV and GALINA)
ILIN, h/w,)
Plaintiffs,)
v.) C.A. No.
ALLIANCE LAUNDRY SYSTEMS, LLC,)
SPEED QUEEN LAUNDRY, LLC, and)
JOHN DOES 1-5,)
Defendants.)

**MOTION TO COMPEL COMPLIANCE WITH SUBPOENA TO
PRODUCE DOCUMENTS**

AND NOW, Come the Defendants, Alliance Laundry Systems, LLC and Speed Queen Laundry, LLC, by and through their attorneys, Dickie, McCamey & Chilcote, P.C., and, pursuant to FED. R. CIV. P. 45(d)(2)(B)(i), assert the following in support of this Motion to Compel Compliance with Subpoena to Produce Documents:

1. The above-captioned action is presently pending in the United States District Court for the Middle District of Pennsylvania at Civil Action No.: 1:21-cv-445 before the Honorable Christopher C. Conner.
2. Per Plaintiffs' Complaint, this product liability action arises from a June 20, 2019 work-related incident which allegedly occurred as Plaintiff, Vladimir Podobayev, was using a washer in the course of his employment at a Gold's Gym in Hummelstown, Pennsylvania.
3. Following the aforementioned incident, Mr. Podobayev received workers' compensation benefits by or through his employer's workers' compensation insurance carrier, the Property and Casualty Insurance Company of Hartford (hereinafter "the Hartford").
4. On April 15, 2021, Defendants properly served upon the Hartford a subpoena requesting the production of the contents of its file concerning Mr. Podobayev's workers'

compensation claim. True and correct copies of such subpoena and its corresponding proof of service respectively are appended hereto as Exhibits A and B.

5. Prior to serving this subpoena upon the Hartford, Defendants made numerous attempts, via telephone and electronic mail, to coordinate with the Hartford the most convenient address for the Hartford at which to serve the subpoena.

6. After these efforts largely were met without any response, a member of the Hartford's claims department finally advised that service of the subpoena could be effected at 820 Bear Tavern Road, West Trenton, New Jersey 08628, as purportedly the Hartford did not maintain any physical address in Pennsylvania at which to hand-serve the subpoena. The subpoena, thus, was served on the Hartford at this New Jersey address.

7. As the subpoena provides, the Hartford was directed to produce the requested workers' compensation claim file on or before Thursday, May 6, 2021 at defense counsel's Haddonfield, New Jersey office; this office is less than fifty (50) miles from the address at which the subpoena was served.

8. As of the filing of this Motion, the Hartford has not produced any document responsive to the subpoena, has not moved to quash the subpoena, and has not contacted defense counsel. Defense counsel is without the contact information of anyone at the Hartford knowledgeable about the Hartford's failure or refusal to comply with the subpoena. Indeed, when first attempting to correspond with the Hartford, defense counsel repeatedly contacted the Hartford's claim professional identified as handling Mr. Podobayev's workers' compensation claim, but these efforts were met without the courtesy of any reply.

9. Given the foregoing and pursuant to FED. R. CIV. P. 45, Defendants submit the Hartford is required to comply with this subpoena, and its failure to timely respond or object to the properly served subpoena allows this Honorable Court to hold the Hartford in contempt.

WHEREFORE, Defendants, Alliance Laundry Systems, LLC and Speed Queen Laundry, LLC, respectfully request this Honorable Court enter an Order compelling the Property and Casualty Insurance Company of Hartford to produce the documents requested of it in the April 15, 2021-served subpoena within seven (7) days from the date of such Order.

Respectfully submitted by,

DICKIE, McCAMEY & CHILCOTE, P.C.

/s/ Michael K. Willison
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Attorneys for Defendant, Alliance Laundry Systems, LLC and Speed Queen Laundry, LL

CERTIFICATION

I, Lars A. Peterson, Esquire, hereby certify that I attempted to exchange telephone and written correspondence with Caitilin Omara, the Property and Casualty Insurance Company of Hartford claims professional assigned to Vladimir Podobayev's workers' compensation claim, on March 8, 2021 in an attempt to coordinate the location of the subject subpoena's service and to determine the identity of the individual to whom the subpoena should be directed without receiving any response. I also certify that via multiple telephone communications in March of 2021, I spoke with various claims professionals at the Property and Casualty Insurance Company of Hartford's general claims telephone line who were unable to put me in contact with the legal compliance department. I further certify that those claims professionals with whom I communicated via telephone in March of 2021 instructed me to serve the subject subpoena at 820 Bear Tavern Road, West Trenton, NJ 08628, an address attributed to the Corporation Trust Company. I certify that, since the subpoena was served, I have not been contacted by any individual employed by or representing the Property and Casualty Insurance Company of Hartford; thus and despite repeated efforts to correspond with the Property and Casualty Insurance Company of Hartford regarding the subpoena, I remain practically without any person with whom to confer regarding the resolution of the dispute giving rise to this Motion to Compel Compliance with Subpoena to Produce Documents.

Date: May 21, 2021

/s/ Lars A. Peterson
Lars A. Peterson, Esquire

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ORDER OF COURT

AND NOW, this ____ day of May, 2021, upon consideration of Defendants' Motion to Compel Compliance with Subpoena to Produce Documents, it is hereby ORDERED that such Motion is GRANTED. Within seven (7) days from the date of this Order, the Property and Casualty Insurance Company of Hartford shall, between the hours of 9:00 a.m. and 5:00 p.m., hand-deliver to defense counsel's office located at 41 South Haddon Avenue, Suite 5, Haddonfield, NJ 08033 each document in its care, custody or control responsive to the April 15, 2021-served subpoena in the action pending in the United States District Court for the Middle District of Pennsylvania at Civil Action No.: 1:21-cv-445.

SO ORDERED,

United States District Court Judge

CERTIFICATE OF SERVICE

I, Michael K. Willison, Esquire, hereby certify that a true and correct copy of the foregoing Motion to Compel Compliance with Subpoena to Produce Documents has been served on this 21st day of May, 2021, via Federal Express Overnight Mail and Electronic Mail as indicated below, upon the following:

Bryan M. Ferris, Esquire
Swartz Culleton, P.C.
547 E. Washington Avenue
Newtown, PA 18940
Via e-mail: bferris@swartzculleton.com
Counsel for Plaintiffs
Vladimir Podobayev and Galina Ilin, h/w

The Property and Casualty Insurance Company of Hartford
820 Bear Tavern Road
West Trenton, NJ 08628
Via Federal Express Overnight Mail
Non-Party

DICKIE, McCAMEY & CHILCOTE, P.C.

/s/ Michael K. Willison
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